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Attorney for Debtor(s)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**IN RE:**

**Daryl D. Rogers and  
Lovie Tasker-Rogers  
DEBTORS**

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**CASE NO: 18-34197-13**

**CHAPTER 13**

**OBJECTION TO PROOF OF CLAIM NO. 8**  
**FILED BY BMO HARRIS BANK**

TO THE HONORABLE U.S. BANKRUPTCY JUDGE PRESIDING:

Daryl D. Rogers and Lovie Tasker-Rogers, Debtors, object to Proof of Claim Number 8 filed by BMO Harris Bank, and would respectfully show:

1. The Bankruptcy Court has jurisdiction over this contested matter pursuant to 28 U.S.C. §§ 157 (a) and 1334. This is a core proceeding.
2. BMO Harris Bank filed a secured proof of claim on 02/08/2019 in the amount of \$43,126.95.
3. BMO Harris filed two (2) Proofs of Claim. Debtors request Proof of Claim #8 be disallowed in its entirety and Proof of Claim #9 be paid as a cram-down claim in the amount of \$82,828.65 at 6.25% per the confirmed plan and encompass both the Truck and the Trailer.
4. Proof of Claim #8 is objectionable because the interest rate used in the Loan

Damage Calculator is 18% in violation of the Security Agreement. The Security Agreement allows for 7.83% interest with a delinquency charge calculated at the rate of 5%. This is especially suspicious since the Loan Damage Calculator is also 18% regarding the Truck (Proof of Claim #9), but the Truck interest rate is lower at 7.73%.

4. Proof of Claim #8 is also objectionable because the claim proposes treatment outside the confirmed plan. According to the terms of the confirmed plan, filed 2/25/2019 and confirmed on 5/6/2019, BMO Harris Bank is to be paid \$82,828.65 for the Truck and Trailer at a rate of 6.25%. BMO Harris is not harmed by combining the Truck and Trailer into a single claim because BMO Harris has treated the Truck and Trailer as one claim in Debtors' previous bankruptcy. Debtors filed two (2) recent bankruptcy cases, Case 16-32001 and Case 17-30114. BMO Harris filed one claim in Case 16-32001 which encompassed both the Truck and Trailer. In the current case, both Proofs of Claim list the collateral as "Equipment/Truck." The property attached to the claims is only specified in each claims' supporting documents (BMO Harris did not file a claim in Case 17-30114).

5. Proof of Claim # 8 is objectionable because BMO Harris did not object to confirmation despite notice. As a result, BMO Harris must accept the treatment it receives via the confirmed plan. BMO Harris contacted Debtors' attorney for a potential 362 conference on 3/29/2019, within the window to object to confirmation at the pre-hearing on 4/25/2019, which shows BMO Harris was aware of Debtors' plan and treatment of BMO Harris. According to the 362 email, BMO Harris was considering a Motion to Lift Stay because the collateral was depreciating. BMO Harris' correspondence demonstrates notice and knowledge of valuation issues.

6. In Proof of Claim #8, BMO Harris makes a secured claim for \$43,126.95 regarding Equipment/Truck (the Trailer) and excluding the Truck. This claim should be disallowed in its entirety because the confirmed plan combines the Truck and Trailer into a single claim. BMO Harris has a separate Proof of Claim, Claim #9, which can be paid according to the terms of the plan as a cram-down claim.

WHEREFORE, Debtors pray that the Court deny BMO Harris Bank's secured proof of claim, filed on 02/08/2019 in the amount of \$43,126.95, and that such claim be disallowed in full.

DATED: 25th day of November 2019

RESPECTFULLY SUBMITTED:

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ATTORNEY FOR DEBTOR(S)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing Objection to Proof of Claim No. 8 Filed by BMO Harris Bank was on this November 25, 2019 forwarded to the following parties:

Daryl D. Rogers and Lovie Tasker-Rogers  
P.O. Box 292278  
Lewisville, TX 75029

BMO Harris Bank  
PO Box 3040  
Cedar Rapids, IA 52406

BMO Harris  
c/o Ammar Dadabhoy  
WONG FLEMING  
77 Sugar Creek Center Blvd  
Suite 401  
Sugar Land, Texas 77478

AND BY ELECTRONIC TRANSMISSION:

Chapter 13 Trustee:  
Thomas Powers

US Trustee

All Parties Requesting Notice

/s/ Megan Price  
Megan Price  
PRICE AND PRICE LAW, P.C.